

AUSA Julie B. Ruder, (312) 886-1317

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AFFIDAVIT OF COMPLAINT IN REMOVAL PROCEEDINGS

UNITED STATES OF AMERICA)
)
NORTHERN DISTRICT OF ILLINOIS)

08CR

456

Case No. _____

The undersigned Affiant personally appeared before the Honorable Sidney I. Schenkier, a United States Magistrate Judge, and being duly sworn on oath, states: That in the United States District Court for the District of Vermont, one JOEL C. SIEGEL was charged in a criminal complaint with knowingly and intentionally transporting and shipping in interstate and foreign commerce by any means, including by computer, visual depictions involving the use of minors engaging in sexually explicit conduct, in violation of Title 18, United States Code, Section 2252A(a)(1); and that on the basis of Affiant's investigation and information received concerning the case through official channels, does hereby certify that the attached Warrant for Arrest is

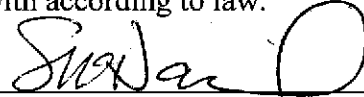
MAGISTRATE JUDGE SCHENKIER

FILED
JUN 4 2008 TC

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

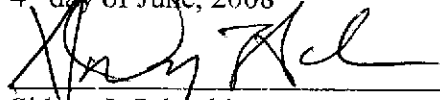
outstanding for the arrest of said defendant. Copies of the Criminal Complaint and Warrant for Arrest are attached hereto.

Wherefore, Affiant prays that the defendant be dealt with according to law.



Special Agent Shannon K. McDaniel
Federal Bureau of Investigation

Subscribed and Sworn to before me this
4th day of June, 2008



Sidney I. Schenkier
United States Magistrate Judge

Julie B. Ruder

Assistant United States Attorney

Bond set [or recommended] by issuing Court at [none specified]

AO 442 (Rev. 10/03) Warrant for Arrest

UNITED STATES DISTRICT COURT

District of Vermont

UNITED STATES OF AMERICA

AMENDED
WARRANT FOR ARREST

v.

Case Number: 2:08-mj-51-1

JOEL C. SIEGEL

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest JOEL C. SIEGEL

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice

charging him or her with (brief description of offense)

did knowingly and intentionally transport and ship in interstate and foreign commerce by any means, including by computer, visual depictions involving the use of minors engaging in sexually explicit conduct and such visual depictions were of such conduct

in violation of Title 18 United States Code, Section(s) 2252A(a)(1)

Jerome J. Niedermeier

Name of Issuing Officer

U.S. Magistrate Judge

Title of Issuing Officer

Jerome J. Niedermeier
Signature of Issuing Officer

6/4/2008, Burlington, VT

Date and Location

2008 JUN -4 A 11:28
U.S. MARSHAL'S SERVICE
DISTRICT OF VERMONT

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

DATE OF ARREST

SIGNATURE OF ARRESTING OFFICER

COPY
FOR CASE FILE AND/OR
INVESTIGATIVE PURPOSES
ONLY
ORIGINAL ON FILE USMS VT

AO 442 (Rev. 10/03) Warrant for Arrest

THE FOLLOWING IS FURNISHED FOR INFORMATION ONLY:

DEFENDANT'S NAME: Joel C. Siegel

ALIAS: _____

LAST KNOWN RE _____

LAST KNOWN EM _____

PLACE OF BIRTH: _____

DATE OF BIRTH: _____

SOCIAL SECURITY NUMBER: (Redacted)

HEIGHT: _____ WEIGHT: _____

SEX: _____ RACE: _____

HAIR: _____ EYES: _____

SCARS, TATTOOS, OTHER DISTINGUISHING MARKS: _____

FBI NUMBER: _____

COMPLETE DESCRIPTION OF AUTO: _____

INVESTIGATIVE AGENCY AND ADDRESS: _____

Det. Andrew Chaulk, South Burlington Police Department, VT Internet Crimes Against Children Task Force,

575 Dorset Street, South Burlington, VT 05403

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

DAO91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

2008 JUN -4 AM 11:21

DISTRICT OF VERMONT

BY [Signature] CLERK
DEPUTY CLERK

UNITED STATES OF AMERICA
V.
JOEL C. SIEGEL

AMENDED
CRIMINAL COMPLAINT

Case Number: 2:08-mj-51-1

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 3/24/2008 in Chittenden County, in the (Date) District of Vermont and elsewhere defendant(s) did,

(Track Statutory Language of Offense)

did knowingly and intentionally transport and ship in interstate and foreign commerce by any means, including by computer, visual depictions involving the use of minors engaging in sexually explicit conduct and such visual depictions were of such conduct

in violation of Title 18 United States Code, Section(s) 2252A(a)(1)

I further state that I am a(n) Detective and that this complaint is based on the following facts:
Official Title

See Attached Affidavit

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

[Signature]
Signature of Complainant

Andrew Chaulk
Printed Name of Complainant

Sworn to before me and signed in my presence,

6/4/2008
Date

at Burlington Vermont
City State

Jerome J. Niedermeier U.S. Magistrate Judge
Name of Judge Title of Judge

[Signature]
Signature of Judge

AFFIDAVIT

I, Andrew Chaulk, having been duly sworn, depose and state:

1. I am a Detective with the South Burlington Police Department in South Burlington, VT, assigned to the Vermont Internet Crimes Against Children Task Force (Task Force). I have been a Detective since 2000 and I have been assigned to the Task Force since 2004. In my capacity as a Detective with the Task Force, I have had the opportunity to conduct, coordinate, and/or participate in several investigations relating to the sexual exploitation of children, and I am familiar with the federal laws relating to the sexual exploitation of children.

2. I set forth the following as probable cause to believe that Joel Siegel ("SIEGEL") used a facility or means of interstate commerce to unlawfully and knowingly transport and ship, specifically by computer, child pornography for which he can be charged with a criminal offense in violation of 18 U.S.C. § 2252A(a)(1). The following is either known to me personally or has been related to me by persons having direct knowledge of the events described below. This affidavit is meant to set forth probable cause and does not include every fact known to law enforcement about the events described below.

BACKGROUND REGARDING THE INTERNET AND YAHOO!

3. I have been formally trained in the investigation of crimes involving the sexual exploitation of children. Based on my training and experience, I know the following:

- A. The Internet is a worldwide computer network that connects computers and allows communications and the transfer of data and information across state and national boundaries. A user accesses the Internet from a computer network or Internet Service Provider ("ISP") that connects to the Internet. The ISP assigns each user an Internet Protocol ("IP") Address. Each IP address is unique. Every computer or device on the Internet is referenced by a unique IP address the same way every telephone has a unique telephone number. An IP address is a series of numbers separated by a period. Each

time an individual accesses the Internet, the computer from which that individual initiates access is assigned an IP address.

- B. Photographs and other images can be stored in a computer. This storage can be accomplished using a "scanner," by capturing single frames of video and converting that video to an image file, and/or by uploading images or pictures from a digital camera or similar device, among other methods. Computers are capable of displaying these files as exact copies of the original.
- C. The computer's capability to store images in digital form makes it an ideal repository for child pornography. A single floppy or compact disk can store dozens of images and hundreds of pages of text. Modern hard drives can store thousands of images at very high resolution.
- D. With Internet access, a computer user can transport an image file from the Internet or from another user's computer to his own computer, so that the image file is stored in his computer. The user can then display the image file on his computer screen, can choose to save the image on his computer and can print out a hard copy of the image by using a printer.
- E. Computer files or remnants of such files can be recovered months or even years after they have been downloaded onto a hard drive, deleted, or viewed via the Internet. Electronic files downloaded to a hard drive can be stored for years at little to no cost. Even when such files have been deleted, they may be recoverable months or years later using readily-available forensic tools. When a person "deletes" a file on a home computer, the data contained in the file does not actually disappear; rather, that data remains on the hard drive until it is overwritten by new data. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space - that is, in space on the hard drive that is not allocated to an active file or that is unused after a file has been allocated to a set block of storage space - for long periods of time before they are overwritten. In addition, a computer's operating system may also keep a record of deleted data in a "swap" or "recovery" file. Similarly, files that have been viewed via the Internet are automatically downloaded into a temporary Internet directory or cache. The browser typically maintains a fixed amount of hard drive space devoted to these files, and the files are only overwritten as they are replaced with more recently viewed Internet pages. Thus, the ability to retrieve residue of an electronic file from a hard drive depends less on when the file was downloaded or viewed than on a particular user's operating system, storage capacity, and computer habits.

4. In addition, based on my training and experience, I know the following concerning Yahoo!:

- A. Yahoo! is an online information portal, drawing millions of people to its network of websites with a mix of news, entertainment, and online shopping, as well as its search engine and Internet directory. The company also offers registered users personalized Web pages, e-mail, instant messenger and message boards.
- B. An instant message is a type of communication service that enables a user to enter a virtual chat room with another individual in order to communicate in real time over the Internet, analogous to a telephone conversation but using text-based, not voice-based, communication. Language used in the chat room often differs from the grammatically correct written word. For example, the phrase "are you there" could be written "r u there," "see you later" might be written "c u l8r" and "ty" is short for "thank you."
- C. Yahoo! provides an instant messaging service called Yahoo! Instant Messenger. Yahoo! Instant Messenger is a free Internet communication service that allows users to communicate with text and voice messaging. Users can also send files to one another, such as pictures, as well as to connect web cameras. A web camera (or webcam) is a real-time camera whose images can be accessed using the World Wide Web or instant messaging.
- D. Yahoo! also allows users to create and post a personal profile online. A profile is a webpage that users create to describe themselves. Included in a profile is information such as a person's age, where they live and their interests. Users who create a profile can choose a unique Yahoo! ID. Once a profile is created, other users with profiles may contact the user via Yahoo! Instant Messenger or other instant messaging services.

FACTS SUPPORTING PROBABLE CAUSE

5. On March 24, 2008, at approximately 1647 hours, I logged into Yahoo Instant Messenger in an undercover capacity. My Yahoo ID was "undercover ID," herein referred to as "UCID" and my profile indicated that I was a 13 year old female named Anna from South Burlington, Vermont. On this same date, I received an instant message from a Yahoo user utilizing

the Yahoo ID "mr_smiles_42001." During my interactions with mr_smiles_42001 on that date, the following occurred:

A. mr_smiles_42001 sent me a message which stated: "hi...how ru"? mr_smiles_42001 told me that he was a father and asked me "ur 13?" I responded by telling mr_smiles_42001 that I was 13 years old. mr_smiles_42001 asked me what I looked like, if I wore a bra and the size.

B. mr_smiles_42001 asked me if I had a microphone, web camera, or speakers. I told him I didn't.

1. Computers, and specifically Yahoo Instant Messenger, have the ability to transmit voice and video via a microphone or web camera.

C. mr_smiles_42001 then "called" me via Yahoo Instant Messenger. Yahoo Instant Messenger allows free computer to computer calls. I activated the call and could hear mr_smiles_42001 speak. I heard the voice of an adult male.

1. At that point, mr_smiles_42001 stopped chatting using the keyboard and spoke to me verbally. I continued to communicate using the keyboard only.

D. mr_smiles_42001 asked me if I had any brothers and sisters. I told mr_smiles_42001 that I had a three year old brother. He asked me the following questions: if I had seen my brother naked, had my brother seen me naked, if I ever gave my brother a bath, if I washed him in the bath tub, if I washed my little brother's "privates," if my little brother ever gets "hard," if I liked washing "it," and if I ever got into the bath tub when I washed my little brother. mr_smiles_42001 told me that he could show me how to masturbate and asked if I was alone. He attempted to get me to remove clothing and masturbate. mr_smiles_42001 said that he would show me some X rated pictures to help. He then activated the "share photos" function on Yahoo Instant

Messenger. I received an electronic invitation to start photo sharing. Once I accepted the electronic invitation, mr_smiles_42001 began transmitting images. The first image that he transmitted is described as follows:

1. Title: "-00 cool dudexxx": This image depicts a naked prepubescent female who appears to be a real child lying on a pink towel. The focal point of the image is her exposed vagina. She is touching her vagina with both hands. The female in this image appears to be between the ages of 4 – 6 years old.

E. mr_smiles_42001 transmitted a total of 17 images of child pornography to me during this chat session. The 17 child pornographic images depict prepubescent boys and girls, both naked and posed provocatively, or engaged in sexual activity. The following are descriptions of some of the images sent by mr_smiles_42001 during this chat:

1. Title: "-011a3fe.jpg": This image depicts a prepubescent female, who appears to be a real child under the age of 10 years old lying on her back. Her vagina is exposed, and she is wearing a pink shirt that is pulled up. There is an adult male penis on her vaginal area near the opening of her vagina and there appears to be ejaculate on the tip of his penis as well as on her vaginal opening.

2. Title: "-6suckingcock.jpg": This image depicts a prepubescent female who appears to be a real child under the age of 10 years old on her knees. She is kneeling in front of an adult male. She is gripping his erect penis with one hand and has his penis in her mouth. She appears to be nude from the waist down.

3. Title: "-0 00000002.jpg": This image depicts a prepubescent female, who appears to be a real child and under the age of 12 years old. She appears to be kneeling in front of an adult male and she is holding his erect penis.

6. During the ensuing investigation, I had over 35 electronic communications with mr_smiles_42001. During these chat sessions, mr_smiles_42001 transmitted over 50 images of suspected child pornography to me. Some of the images that he transmitted are described as follows:

A. Title: "!!!!!!ch-1.jpg": This image depicts a prepubescent female who appears to be a real child with her mouth open. An adult male is holding his erect penis and it guiding it toward her open mouth. One of her hands is touching his scrotum.

B. Title: "-0001fingerdream (2).jpg": This image depicts a naked prepubescent female, who appears to be a real child under the age of 10 years old sitting in a bathtub with water. The picture is taken from above the child and she is seen looking down at her genital area. She has her legs spread open and through the water her vaginal area can be seen.

C. Title: "-1" _har1.jpg": This image depicts a naked prepubescent female, who appears to be a real child under the age of 10 years old. She is lying on her back on a bed. She has her legs spread open, exposing her vagina and anus. The focal point of the image is her vagina and anus.

D. Title: "-0.jpg": This image depicts a naked prepubescent female, who appears to be a real child under the age of 10 years old. She is lying on her back on the beach at the waters edge. She is propped up on one arm and has her legs open lewdly exposing her vaginal area.

E. Title: "-.jpg": This image depicts a naked prepubescent female, who appears to be a real child under the age of 12 years old. She has blond hair that is pulled into a pony tail. She is at a beach with the water behind her. She is facing the camera and is squatting, leaning back and has her legs spread open. In doing so her vaginal area is lewdly exposed.

F. Title: "-5 !!!prelck-9.jpg": This image depicts a prepubescent female who appears to be a real child under the age of 10 years old. She appears to be kneeling in front of an

adult male. She is wearing a black and white striped shirt and has long brown hair. The adult male who is standing in front of her appears to be naked and his penis is erect. His penis is slightly in her mouth and she is licking his erect penis.

7. During the chat sessions with me, mr_smiles_42001 would make comments about the images of child pornography he was transmitting. For example, on April 21, 2008, when he transmitted the image entitled "-.jpg" (as previously described in paragraph 6(E)), mr_smiles_42001 commented that he thought that her "tits" looked more like mine, and asked if they did. He asked me if I could see her (the female in the image) "pussy" with her standing the way that she was. He asked me if I saw the little "thing" at the top of her vagina. He described it as looking like a little penis. He told me that this was her "clit" and said that was what mine looked like.

8. During several of the chats with mr_smiles_42001, he invited me into a conference chat (private chat room) with other individuals. All of the individuals in the conference chats advised that they were females between the ages of 12 – 14 years old. The apparent purpose of inviting me into the conference chats was to have the apparent teenage females instruct me on how to masturbate.

A. For example, on March 25, 2008, mr_smiles_42001 invited me into a conference chat with an individual who advised her name was "Cathy" and that she was 14 years old. Cathy and mr_smiles_42001 provided instruction to me on how to masturbate. An example of this chat session is seen below. J is mr_smiles_42001.

1. When mr_smiles_42001 was added to my Yahoo Instant Messenger friends list, or frequent contact list, his screen name changed from mr_smiles_42001 to "J". J is the name that he used when he registered with Yahoo. This is an automated feature of Yahoo Instant Messenger. Femgirlc is Cathy.

J (3/25/2008 6:27:22 PM): cathy help anna on how to rub her clit

J (3/25/2008 6:27:43 PM): can u do that/

femgirlc (3/25/2008 6:27:56 PM): I just spread my llegs as far as go and rub rite on it not take finger away

J (3/25/2008 6:28:10 PM): anna u want to try that?

B. In the same fashion, mr_smiles_42001 conferenced me with two other apparent juvenile females, one who advised that she was 12 years old, the other 14 years old. One of these apparent juvenile females disclosed to me that mr_smiles_42001 had sent her images of child pornography.

9. On several occasions, mr_smiles_42001 activated his web camera allowing me to view him while he masturbated. During one of these web camera activations, mr_smiles_42001 turned his web camera up, away from his genitals to his face. I was able to record live stream video, recording the suspect's face.

10. On April 2, 2008 a subpoena was issued to Yahoo for the following information relating to Yahoo screen name mr_smiles_42001:

Any and all subscriber information supplied by the user at the time of registration, including name, location, date account created, status of account, registration IP Address, any and all IP Addresses from log in and session times, any other Yahoo ID's associated with this account, Yahoo email addresses, and alternate email addresses, friends list for Yahoo Instant Messenger, the most recent IP Addresses from Yahoo Instant Messenger log ins, and premium services used and method of payment for premium services.

Yahoo responded with the following information:

Full Name: Mr Joel Siegel
City: Buffalo Grove
State: IL
Zip Code: 60089
Alternate Email Address: jsiegel1944@comcast.net

Yahoo! also provided information concerning the IP addresses used by mr_smiles_42001 to connect to the Yahoo! service. In particular, between March 24, 2008 and March 31, 2008, the IP address of the computer that logged into the account for mr_smiles_42001 was 24.12.148.90.

11. On April 28, 2008, a check with law enforcement records found the following information regarding Joel SIEGEL:

Name - SIEGEL, JOEL C
 Street Address - 7480 WEIDNER RD
 City, State, Zip - BUFFALO GROVE IL 60089
 Telephone - (847) 537-1876
 Social Security - (redacted)
 Age - 63
 Date of Birth - Sep 25, 1944

The Illinois Department of Motor Vehicles provided a driver's license photograph of Joel SIEGEL DOB 9/25/44. I have examined that photograph, and it appears to depict the same person who chatted with me as mr_smiles_42001 and who transmitted images of himself masturbating to me. The Ohio Department of Motor Vehicles indicates that SIEGEL's address is 780 Weidner Road, apartment # 104, Buffalo Grove, Illinois. Ohio DMV records also show that he has a 2007 Volkswagon 4 door registered to him and his wife, Gerri Siegel. During a chat with me, mr_smiles_42001 advised that he owned a black Volkswagon Passat.

12. On May 13, 2008, I contacted telephone information (411) and asked for a reverse directory listing for the SIEGEL's phone number found in law enforcement records (847)537-1876. The operator advised that this number is registered to Joel SIEGEL, 780 Weidner Road, in Buffalo Grove, Illinois.

13. On May 13, 2008, I spoke with a representative from Comcast who advised that one IP Address, used once, came back to a different location and a different Comcast customer. The

Comcast representative also told me that IP address 24.12.148.90 (the same IP address provided by Yahoo!, as described in paragraph 10, above) was used 22 times and was subscribed to the following Comcast customer during the time period of March 24, 2008 to March 31, 2008:

Gerri Siegel
780 Weidner Road #104
Buffalo Grove, Illinois
Phone number (847)537-1867
Phone number (708)676-3500
Email address jsiegel1944@comcast.net

14. On May 12, 2008, I spoke with Detective Charlie Ramos with the South Florida Internet Crimes Against Children Task Force. I told Det. Ramos that I was investigating mr_smiles_42001 (SIEGEL). Det Ramos advised that he was portraying himself as an adult with a 10 year old child. He told me the following:

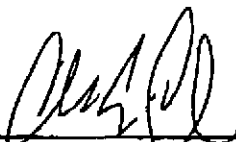
A. Det. Ramos met mr_smiles_42001 in a Yahoo parenting chat room, which is the same chat room where I met him. When I spoke with Det Ramos, he told me that he was then engaged in a chat with SIEGEL. SIEGEL was sending him what Det. Ramos believed were images of child pornography and one child pornographic movie. Det. Ramos told me that SIEGEL was in the process of transmitting more images of child pornography. Det. Ramos told me that SIEGEL had sent him a total of 20 images of child pornography and one child pornographic movie.

B. Det. Ramos advised that he told SIEGEL that his 10 year old child would be home from school around 1430 hours. SIEGEL asked the detective to get on-line with him when his child got home. The detective indicated that SIEGEL said that he was going to masturbate as he directed the detective to molest his child.

C. Immediately after I got off the phone with Det Ramos as he was still communicating with SIEGEL, I sent SIEGEL an instant message. SIEGEL replied that he was "doing something" and was busy.

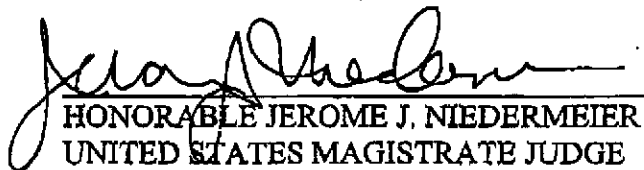
15. Based on the foregoing facts, I believe that there is probable cause to believe that mr_smiles_42001 is Joel SIEGEL, and that SIEGEL used a facility or means of interstate commerce, specifically, by computer, to unlawfully and knowingly transport and ship child pornography, in violation of 18 U.S.C. § 2252A(a)(1).

Dated at Burlington, Vermont, this 4th day of June, 2008.



ANDREW CHAULK
South Burlington Police Department

Sworn to and subscribed before me this 4th day of June, 2008



HONORABLE JEROME J. NIEDERMEIER
UNITED STATES MAGISTRATE JUDGE